

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**LEONA MARINO,**  
Plaintiff,

v.

**CACAFE, INC., ET AL.,**  
Defendants.

Case No. 16-cv-6291 YGR

**ORDER RE: DISCOVERY OF PUTATIVE  
CLASS/COLLECTIVE ACTION MEMBERS;  
VACATING COMPLIANCE HEARING**

Re: Dkt. No. 40

The Court has reviewed the parties' joint letter regarding their dispute over production of a list of putative class members. (Dkt. No. 40.) The compliance hearing set for Monday, March 20, 2017 is **VACATED**. The Court hereby **ORDERS** defendants to produce the following information for all putative members of the class/collective action for the alleged period: the full name, current or last-known residence and business address, and telephone number; current or last-known employer, that employer's address, and the current or last-known position or job title the person held.

The Court's order is subject to the following conditions:


1. Within seven days of this Order, the parties shall enter into a stipulated protective order so that the information can be designated as "Attorneys' Eyes Only."
2. Plaintiff's counsel shall contact each potential putative class member in writing first, and advise that they have a right not to talk to counsel and that, if they elect not to talk to counsel, plaintiff's counsel will terminate the contact and not contact them again. Plaintiff's counsel's initial communication with prospective class members shall make clear that defendant employer was compelled to disclose its employees' information by Court order, and communicate the highly confidential nature of this disclosure.

1 Finally, plaintiff's counsel shall also advise the class member that they may receive a  
2 follow-up telephone call and/or message, not to exceed two attempts.

- 3 3. Seven days after the mailing, plaintiff's counsel may then contact a potential putative  
4 class member by telephone and reiterate that they have a right not to talk to counsel and  
5 that, if they elect not to talk to counsel, plaintiff's counsel will terminate the contact  
6 and not contact them again.

7 **IT IS SO ORDERED.**

8 Dated: March 16, 2017

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10 YVONNE GONZALEZ ROGERS  
11 UNITED STATES DISTRICT COURT JUDGE  
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